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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

8 Arizona Christian University, )

No. CV-23-00413-PHX-SPL

9 Plaintiff, )

**ORDER**

10 vs. )

11 Washington Elementary School )  
12 District No. 6, et al., )

13 Defendants. )  
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16 On March 31, 2023, the Goldwater Institute—a non-party in this action—filed a  
17 Motion for Leave to File *Amicus Curiae* Brief (Doc. 17). The proposed *amicus curiae* brief  
18 (lodged at Doc. 18) is written in support of Plaintiff Arizona Christian University’s pending  
19 Motion for Preliminary Injunction (Doc. 10). On April 6, 2023, Defendants filed a  
20 Response (Doc. 23) in which they oppose the Goldwater Institute’s Motion for Leave.

21 “A non-party seeking to file an amicus brief must state ‘(A) the movant’s interest;  
22 and (B) the reason why an amicus brief is desirable and why the matters asserted are  
23 relevant to the disposition of the case.’” *JZ v. Catalina Foothills Sch. Dist.*, No. CV-20-  
24 00490-TUC-RCC, 2021 WL 5396089, at \*1 (D. Ariz. Nov. 18, 2021) (quoting Fed. R.  
25 App. P. 29(a)(3)). “The function of amici is to aid the court in resolving a matter of public  
26 interest, supplement counsel’s efforts, and illustrate law that might otherwise fail to be  
27 considered.” *Id.* (citing *Miller-Wohl Co. v. Comm’r of Lab. & Indus.*, 694 F.2d 203, 204  
28 (9th Cir. 1982)). “The Court generally does not favor *amicus curiae* briefs and does not

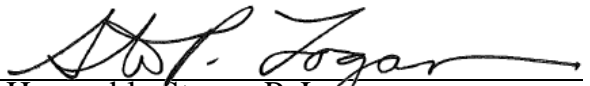
1 permit them to be filed absent consent of all parties or a substantial showing that the *amicus*  
2 *curiae* will present relevant matters that have not or could not have been brought to the  
3 Court's attention by the parties.” *Ariz. Att’ys for Crim. Just. v. Ducey*, No. CV-17-01422-  
4 PHX-SPL, 2018 WL 1570244, at \*6 (D. Ariz. Mar. 30, 2018).

5 Here, Defendants do not consent to the filing of the *amicus curiae*. Moreover, the  
6 Court finds that the Goldwater Institute has not made a substantial showing that the  
7 proposed *amicus curiae* brief presents relevant matters that have not or could not have been  
8 brought to the Court’s attention by the parties. The parties’ briefing on Plaintiff’s Motion  
9 for Preliminary Injunction is complete, thorough, and more than sufficient for this Court to  
10 make a ruling. (*See* Docs. 10, 21, & 24). Therefore, the Court exercises its discretion to  
11 deny the filing of the Goldwater Institute’s *amicus curiae* brief at this time.

12 Accordingly,

13 **IT IS ORDERED** that non-party Goldwater Institute’s Motion for Leave to File  
14 *Amicus Curiae* Brief (Doc. 17) is **denied**. The Clerk of Court **shall not** file the Goldwater  
15 Institute’s Proposed *Amicus Curiae* Brief (lodged at Doc. 18) on the record.

16 Dated this 10th day of April, 2023.

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18   
19 Honorable Steven P. Logan  
20 United States District Judge  
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